IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13433 of 2004

Between:

K.Linga Reddy S/o Venkata Reddy,Deputy Director
Central Institute of Tool Design, Balanagar, Hyderabad

..... PETITIONER

AND

1. The Government of India, rep.by its Secretary to the

Government , Ministry of Industries , Udyog Bhavan,

New Delhi-110 001

2 The Chairman, Central Institute of Tool Design & Addl.

Secretary cum Development Commissioner (SSI) Minsitry of

Small Scale Industries , Government of India
7th Floor, Nirman Bhavan, new Delhi -110 001

3 The Principal Director, Central Institute of Tool Design
Balanager, Hyderabad -500 037

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of "Mandamus" declaring the action of the 3rd respondent in not permitting the petitioner to retire on Voluntary Retirement Scheme and keeping his VRS application pending for more than 6 months and issuing the order of Transfer Ref.CITD/Estb/9/2004 dated. 19/07/2004 as illegal, arbitrary,

ultra vires and against principles of natural justice and contrary to Rules and consequently set aside the said transfer order as illegal, arbitrary and against the principles of natural justice and further declare that the VRS application of the petitioner is deemed to have been accepted from 30/06/2004, the date on which four employees have been given VRS, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.D.RAMAKRISHNA

Counsel for the Respondents: Mr.N.Parameshwar Reddy,SC for R-1 to R-3

The Court made the following :

ORAL ORDER

The petitioner is working as Deputy Director in Central Institute of Tool Design, Hyderabad. He made an application under Voluntary Retirement Scheme on 07-01-2004 to the third respondent and it was kept pending. Further, the grievance of the petitioner is that without passing the orders on his application, he was transferred to Visakhapatnam. Therefore, he approached this court seeking a direction to the third respondent to pass appropriate orders on his Voluntary Retirement Scheme application dated 07-01-2004 and to quash the transfer orders dated 19-07-2004 in Ref.CITD/Estb/9/2004.

In the light of the circumstances explained by the petitioner, the writ petition is disposed of directing the third respondent to pass appropriate orders on the application of the petitioner dated 07-01-2004 under Voluntary Retirement Scheme with in two (2) weeks from the date of receipt of a copy of this Order. Further, if the petitioner is not relieved as on today, the third respondent is directed to continue the petitioner at Hyderabad till the date of communication of the order on the application of the petitioner for Voluntary Retirement.

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2ND AUGUST 2004

NOTE

Furnish CC

in two days.

(B/0)

*TSNR

To

1. The Secretary to the

Government , Ministry of Industries ,The Government of India, Udyog Bhavan,

New Delhi-110 001

2 The Chairman, Central Institute of Tool Design & Addl.

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4. Two C.D.Copies